

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,
Plaintiff,

No. C 09-4665 SI (pr)

ORDER

v.

D.E. MILLIGAN, et al.,
Defendants.

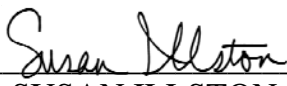
On September 21, 2011, the court granted in part and denied in part defendants' summary judgment motion. It appears that plaintiff did not receive a copy of the court's September 21, 2011 order at that time. On March 2, 2012, without yet having received the court's order on defendants' summary judgment motion, plaintiff moved to attach material evidence to his original pleadings and to his opposition to the summary judgment motion. (Docket #34.) In the alternative, plaintiff sought to alter or amend the judgment pursuant to Fed. R. Civ. Proc. 59(e). Plaintiff's request is DENIED for the following reasons. Plaintiff's request to attach additional evidence to his pleadings is untimely; it comes over two years after he filed his complaint. His request to attach additional evidence to his opposition is moot as the court has already ruled on the summary judgment motion. To the extent that plaintiff seeks to alter or amend the summary judgment motion, plaintiff's motion is premature as he filed this motion without having received the court's order on defendants' summary judgment motion.

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1 Plaintiff has since received a copy of the court's order on defendants' summary
2 judgment motion and has filed a motion for reconsideration. (Docket #36.) If plaintiff
3 believes that the evidence attached to his March 2, 2012 motion is relevant to his motion for
4 reconsideration, he may attach the relevant evidence to his reply in support of his motion for
5 reconsideration and explain its relevance. If plaintiff does attach new evidence to his reply,
6 defendants may file a sur-reply addressing this evidence. Defendants must file any sur-reply
7 within seven days of receiving plaintiff's reply.

8 IT IS SO ORDERED.

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10 Dated: March 22, 2012



SUSAN ILLSTON
United States District Judge